12/18/01

#### PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: 28947/35411B

# PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53

**Box Patent Application** Commissioner for Patents Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Ira L. Shapira Inventor(s):

METHOD AND APPARATUS FOR EXTRACTING BONE MARROW Title:

1. Type of Application

> Ø This is a new application for a

> > utility patent.

П design patent.

This is a continuation-in-part application of prior application no. U.S. Application Serial No. 09/631,018, filed August 2, 2000, which is a continuation of U.S. Application Serial No. 09/271,481, filed March 17, 1999, now U.S. Patent No. 6,110,176 which is a division of U.S. Application Serial No. 08/886,173, filed July 1, 1997, now U.S. Patent No. 5,913,859.

- Application Papers Enclosed Title Page
  - 14 Pages of Specification (excluding Claims, Abstract, Drawings & Sequence Listing)
  - Page(s) of Claims 7
  - Page(s) of Abstract
  - Sheet(s) of Drawings (Figs. 1 to 8)

Formal

Ø Informal

0 Page(s) of Sequence Listing

### **CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Patent Application Transmittal and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on December 14, 2001, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EK 657 825 845 US.

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3. Declaration or Oath							
		⊠	Enclosed				
			×	Execute	ed by (c	heck all applicable boxes)	
				$\boxtimes$	Invento	or(s)	
						epresentative of inventor(s) R 1.42 or 1.43)	
						nventor or person showing a proprietary interest on of inventor who refused to sign or cannot be reached	
						The petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 are enclosed. See Item 5D below for fee.	
			Not en applica follow.	tion on	the und	dersigned attorney or agent is authorized to file this of the applicant(s). An executed declaration will	
4.	Small Entity Status						
	⊠	Applica	nt clain	ns small	entity s	status. See 37 CFR 1.27.	
			A smal	I entity	stateme	ent is(are) attached.	
5.	Additio	nal Pape	ers Encl	osed			
			Prelimi	nary Am	nendmei	nt	
			Inform	ation Di	sclosure	Statement	
			Declar	ation of	Biologic	al Deposit	
				ter read		py of sequence listing containing nucleotide and/or	
			Microf	iche cor	nputer p	program	
			Associ	ate Pow	ver of A	ttorney	
			Verifie	d transla	ation of	a non-English patent application	
			An ass	signmen	t of the	invention	
			Reque	st and C	ertificat	tion Under 35 U.S.C. 122(b)(2)(B)(i)	
		$\boxtimes$	Return	receipt	postcar	rd	
			0.1				

6. Priority Applications	Under	35	USC	11	9
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Certified copies of applications from which priority under 35 USC 119 is claimed are listed below and

- ☐ are attached.
- □ will follow.

COUNTRY	APPLICATION NO.	FILED

# 7. Filing Fee Calculation (37 CFR 1.16)

## A. Utility Application

			SMALL E	NTITY	OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$370.00		\$740.00
TOTAL	37 -20	= 17	X 9 =	\$153.00	X 18 =	\$
INDEP.	6 - 3	= 3	X 42 =	\$126.00	X 84 =	\$
☐ First Pre	esentation of Multi	ple Dependent	+ 140 =	\$0.00	+ 280 =	\$
			Filing Fee:	\$649.00	OR	\$

В.		Design Application (\$165.00/\$330.00) Filing Fee: \$	
c.		Plant Application (\$255,00/\$510.00) Filing Fee: \$	
D.	Other F	Fees	
		Recording Assignment [Fee \$40.00 per assignment]	\$
		Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached [Fee \$130.00]	\$
		Other	\$

Total Fees Enclosed \$649.00

8.	Method of Paym	ent of Fees
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$\boxtimes$	Enclosed check in the amount of:	\$ <u>649.00</u>
	Charge Deposit Account No. 13-2855 in the amount of: A copy of this Transmittal is enclosed.	\$
	Not enclosed	

## 9. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

### 10. Correspondence Address

Customer No.: 04743

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN 6300 Sears Tower 233 South Wacker Drive Chicago, Illinois 60606-6357 (312) 474-6300 (312) 474-0448 (Telefacsimile)

By:

Brent E. Matthias Reg. No: 41,974

December 14, 2001